

Colorado Division of Youth Corrections

Annual Prison Rape Elimination Act Report for 2013

The Prison Rape Elimination Act (PREA) of 2003 was enacted to address sexual abuse, sexual assault and sexual harassment in confinement facilities. The goal of PREA is to prevent, detect and respond to sexual abuse in confinement facilities.

On August 20, 2012, the U.S. Department of Justice (DOJ) published mandatory standards for the detection, prevention, and punishment of sexual abuse, sexual assault and sexual harassment. The four sets of standards correspond to the different types of facilities: 1) Adult prisons and jails, 2) Lockups, 3) Community confinement facilities, and 4) Juvenile facilities.

Agencies are required to demonstrate their zero tolerance through an audit process, which audits the agencies policies and practices by reviewing policies and speaking with staff and community organizations working in collaboration with the agency in their efforts to prevent, detect, and respond to sexual abuse, sexual assault, and sexual harassment. Over a three-year period, all 10 state-operated and 2 secure contract facilities must be audited by a Department of Justice Certified auditor.

The Colorado Department of Human Services, Division of Youth Corrections (DYC) supports all efforts to detect, report, participate in investigations, offer victim support services and advocate for prosecution for any perpetrator of sexual abuse, sexual assault, and sexual harassment in Division of Youth Corrections facilities. The Division of Youth Corrections is committed to providing a safe environment for all Division of Youth Corrections youth. DYC made initial efforts to comply with the PREA Act beginning in 2008 prior to the finalization of the standards. As a result, DYC began implementing policies and procedures, training employees, contractors and volunteers, and educating youth.

With the finalization of the PREA Standards in 2012, DYC continues working towards compliance with the PREA standards. Some of these efforts include but are not limited to hiring a PREA Coordinator, updating policies, developing training curricula, and appointing PREA Compliance Managers in each facility. Under the guidance of the PREA Coordinator, the role of the PREA Compliance Managers is to direct a facility's efforts to comply with DYC policies, procedures, and PREA standards.

BJS Reporting Data:

PREA standard §115.387 requires data be collected and aggregated on sexual abuse, sexual assault, and sexual harassment incidents in DYC and contract facilities. PREA standard §115.388 requires the division to review data collected and produce an annual report.

In addition, the U.S. Bureau of Justice Statistics (BJS) requires confinement facilities to collect and report detailed information regarding the sexual victimization of residents. This report covers this information that was submitted to the BJS for the Survey of Sexual Violence (SSV) for 2013. This report does not include comparisons to data from the prior year, as this is the first report produced by DYC.

Findings after Investigation:

All reports of sexual abuse or misconduct are investigated by the local department of social service and/or law enforcement agency as well as the facility in which the allegation was made. A finding is reached as a result of an investigation conducted internally or external to the agency.

Scope of Assessment:

This report provides a review of the incident-based and aggregate data collected for the year beginning January 1, 2013 and ending December 31, 2013. Factors such as motivation, sexual orientation, gender identity, gang affiliation, and other possible contributing elements are reported when available.

Definitions:

Abusive Sexual Contacts: Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person. EXCLUDE incidents in which the contact was incidental to a physical altercation.

Juvenile-on-Juvenile Sexual Harassment: Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth directed toward another.

Nonconsensual Sexual Acts: Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and contact between penis and the vulva or the penis and the anus including penetration, however slight; or contact between the mouth and the penis, vagina, or anus; or penetration of the anal or genital opening of another person by a hand, finger, or other object.

Staff Sexual Harassment: Includes repeated verbal statements or comments of a sexual nature to a resident by an employee, volunteer, contractor, official visitor, or other agency representative (exclude resident family, friends, or other visitors). Include - demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing; or repeated profane or obscene language or gestures.

Staff Sexual Misconduct: Any behavior or act of a sexual nature directed toward a youth by an employee, volunteer, contractor, official visitor, or other agency representative (exclude resident family, friends, or other visitors). Sexual relationships of a romantic nature between staff and youths are included in this definition. Consensual or nonconsensual sexual acts include - intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire; or completed, attempted, threatened, or requested sexual acts; or occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

Substantiated: an allegation was investigated and determined to have occurred.

Unfounded: an allegation was investigated and determined not to have occurred.

Unsubstantiated: an allegation that was investigated and produced insufficient evidence to make a final determination as to whether or not the event occurred.

Juvenile-on-Juvenile Sexual Misconduct

Juvenile-on-Juvenile Nonconsensual Sexual Acts/Abusive Sexual Contact Data Collected: NYC has 10 state-operated facilities. Four state owned and operated facilities serve only detention youth; Gilliam Youth Services Center in Denver, Adams Youth Services Center in Brighton, Pueblo Youth Services Center in Pueblo and Marvin W Foote Youth Services Center in Englewood. Four secure state operated facilities are multi-purpose, serving detention and committed youth. These four facilities include Platte Valley Youth Services Center in Greeley, Grand Mesa Youth Services Center in Grand Junction, and Spring Creek Youth Services Center in Colorado Springs, as well as Mount View Youth Services Center in Denver. Two facilities are commitment only; Lookout Mountain Youth Services Center and Zebulon Pike Youth Services Center.

Using the BJS definitions, 1 facility reported nonconsensual sexual contact allegation and 7 facilities had reports of abusive sexual contact allegations. The 1 allegation of nonconsensual sexual contact allegation was substantiated and 3 allegations of abusive sexual contact were substantiated. The following table represents allegations by facility.

**Juvenile-on-Juvenile Non-Consensual Sexual Contact and Abusive Sexual Contact Allegations
January 1 – December 31, 2013**

FACILITY	TYPE	TOTAL	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED
**Adams Youth Service Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	1	1	0	0
*Marvin W Foote Youth Service Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	0	0	0	0
*Gilliam Youth Service Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	2	0	1	1
**Grand Mesa Youth Service Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	0	0	0	0
Lookout Mountain Youth Service Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	1	1	0	0
*Mount View Youth Service Center	NONCONSENSUAL SEXUAL ACTS	1	1	0	0
	ABUSIVE SEXUAL CONTACT	3	0	0	3
**Platte Valley Youth Service Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	1	0	0	1
**Pueblo Youth Service Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	0	0	0	0
*Spring Creek Youth Service Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	1	1	0	0
Zeb Pike Youth Service Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	1	0	0	1
Total:	NONCONSENSUAL SEXUAL ACTS	1	1	0	0
	ABUSIVE SEXUAL CONTACT	10	3	1	6

Facility is all male

*Facility has both male and female residents

**Facility has co-ed programming (pods, school, meals, etc.)

There was 1 juvenile-on-juvenile substantiated allegation of nonconsensual sexual contact. There was no single factor to equate to improving effectiveness of policies, procedures, training or practices. Of the 3 substantiated abusive sexual contact allegations all allegations were reported to law enforcement for investigation, but did not result in filing of charges. Of the 3 substantiated incidents the gender identity was 1 female victim and 2 male victims.

All 10 state operated facilities reported juvenile-on-juvenile sexual harassment. Using the BJS definition, there were 7 substantiated allegations, and 19 allegations were unfounded. The following table presents the allegations by facility.

**Juvenile-on-Juvenile Sexual Harassment Allegations
January 1 – December 31, 2013**

FACILITY	TYPE	TOTAL	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED
**Adams Youth Service Center	SEXUAL HARASSMENT	0	0	0	0
*Marvin W. Foote Youth Service Center	SEXUAL HARASSMENT	1	0	0	1
*Gilliam Youth Service Center	SEXUAL HARASSMENT	6	0	0	6
**Grand Mesa Youth Service Center	SEXUAL HARASSMENT	2	1	1	0
Lookout Mountain Youth Service Center	SEXUAL HARASSMENT	1	0	0	1
*Mount View Youth Service Center	SEXUAL HARASSMENT	3	2	0	1
**Platte Valley Youth Service Center	SEXUAL HARASSMENT	6	1	1	4
**Pueblo Youth Service Center	SEXUAL HARASSMENT	3	2	0	1
*Spring Creek Youth Service Center	SEXUAL HARASSMENT	6	1	2	3
Zeb Pike Youth Service Center	SEXUAL HARASSMENT	2	0	0	2
TOTAL		30	7	4	19

Facility is all male

*Facility has both male and female residents

**Facility has co-ed programming (pods, school, meals, etc.)

Overview of information:

There were 30 allegations of juvenile-on-juvenile sexual harassment. Of the 19 unfounded allegations, 13 were not formally investigated internally or externally. The information reported here regarding sexual harassment varies slightly from the data reported to the Department of Justice, as the Division of Youth Corrections database categories were not yet updated at the time of the BJS survey reporting period.

Corrective Action:

PREA Compliance Managers have been informed of their responsibilities via the updated policy to formally investigate all sexual abuse, sexual assault and sexual harassment allegations. This information was also communicated in the November 2014 PREA Compliance Manager meeting. DYC has added Juvenile-on-Juvenile Sexual Harassment to the major rule violation pick list in the Trails database.

Staff-on-Juvenile Sexual Misconduct

Staff-on-juvenile Sexual Harassment and Sexual Misconduct Data Collected:

Using the BJS definitions, there were 2 allegations of staff sexual harassment and 7 staff sexual misconduct allegations. A total of 3 allegations of staff sexual misconduct were substantiated. The following table presents the allegations by facility.

**Staff-on-Juvenile Sexual Misconduct Allegations
January 1 – December 31, 2013**

FACILITY	TYPE	TOTAL	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED
**Adams Youth Service Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	0	0	0	0
*Marvin W. Foote Youth Service Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	2	0	0	2
*Gilliam Youth Service Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	0	0	0	0
**Grand Mesa Youth Service Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	0	0	0	0
Lookout Mountain Youth Service Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	1	1	0	0
*Mount View Youth Service Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	0	0	0	0
**Platte Valley Youth Service Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	3	0	0	3
**Pueblo Youth Service Center	STAFF SEXUAL HARASSMENT	1	1	0	0
	STAFF SEXUAL MISCONDUCT	0	0	0	0
*Spring Creek Youth Service Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	1	1	0	0
Zeb Pike Youth Service Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	0	0	0	0
Total	STAFF SEXUAL HARASSMENT	1	1	0	0
	STAFF SEXUAL MISCONDUCT	7	2	0	5

Facility is all male

*Facility has both male and female residents

**Facility has co-ed programming (pods, school, meals, etc.)

**Staff-on-Juvenile Substantiated Allegation Detail
January 1 – December 31, 2013**

FACILITY	TYPE	# SUB	RESIGN	TERMINATED	CORRECTIVE ACTION
Lookout Mountain Youth Service Center	STAFF SEXUAL HARASSMENT	0			0
	STAFF SEXUAL MISCONDUCT – KISSING, SEXUAL ACTIVITY	1		1	0
**Pueblo Youth Service Center	STAFF SEXUAL HARASSMENT – COMMENTS	1	1		0
	STAFF SEXUAL MISCONDUCT	0			0
*Spring Creek Youth Service Center	STAFF SEXUAL HARASSMENT	0			0
	STAFF SEXUAL MISCONDUCT – SEXUAL LETTERS WITH THE INTENT TO ENGAGE IN A RELATIONSHIP	1		1	0
Total		3	1	2	0

Facility is all male

*Facility has both male and female residents

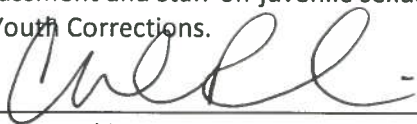
**Facility has co-ed programming (pods, school, meals, etc.)

Corrective Action:

When debriefing the substantiated incidents, the common theme dealt with a failure to recognize staff sexual misconduct indicators for fear of falsely accusing a co-worker of misconduct. Since 2008, staff has received PREA training; the training curriculum for employees, volunteers, and contractors has been updated and will focus more on staff boundaries when working with residents, and recognizing sexual misconduct indicators to prevent incidents of sexual misconduct. Youth will continue to receive sexual safety awareness education at intake and through the facilities orientation process.

Conclusion:

This is the first report of its kind. Corrective action taken to address juvenile-on-juvenile sexual harassment and staff-on-juvenile sexual misconduct are generalizable to all facilities within the Division of Youth Corrections.



Charles Parkins, Division Director

3/24/2015

Date



Anders Jacobson, Division Associate Director

March 23, 2015

Date



Natasha Shafer, PREA Coordinator

3/27/15

Date